



DÁIL ÉIREANN

Dé Céadaoin, 4 Samhain, 2009
Wednesday, 4th November, 2009

RIAR NA hOIBRE
ORDER PAPER

Dé Céadaoin, 4 Samhain, 2009
Wednesday, 4th November, 2009

10.30 a.m.

ORD GNÓ
ORDER OF BUSINESS

- a11.** An Bille fán nGníomhaireacht Náisiúnta um Bainistíocht Sócmhainní 2009 — Rún Airgeadais.
National Asset Management Agency Bill 2009 — Financial Resolution.
- 24.** (l) An Bille fán nGníomhaireacht Náisiúnta um Bainistíocht Sócmhainní 2009 — Ordú don Tuarascáil.
(a) National Asset Management Agency Bill 2009 — Order for Report.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

- 70.** (l) Tairiscint *maidir le* Riaráistí morgáiste (*atógáil*).
(a) Motion *re* Mortgage arrears (*resumed*).

FÓGRA I dTAOBH GNÓ NUA
NOTICE OF NEW BUSINESS

- 3a.** An Bille Caidrimh Thionscail (Leasú) 2009 [*Seanad*] — An Dara Céim.
Industrial Relations (Amendment) Bill 2009 [*Seanad*] — Second Stage.
- 37a.** An Bille Cosanta (Forálacha Ilghnéitheacha) 2009 — Ordú don Tuarascáil.
Defence (Miscellaneous Provisions) Bill 2009 — Order for Report.

I dTOSACH GNÓ PHOIBLÍ
AT THE COMMENCEMENT OF PUBLIC BUSINESS

Billí ón Seanad : Bills from the Seanad

- 3a.** An Bille Caidrimh Thionscail (Leasú) 2009 [*Seanad*] — An Dara Céim.
Industrial Relations (Amendment) Bill 2009 [*Seanad*] — Second Stage.

Fógraí Tairisceana : Notice of Motion

- a11.** An Bille fán nGníomhaireacht Náisiúnta um Bainistíocht Sócmhainní 2009 — Rún Airgeadais.
National Asset Management Agency Bill 2009 — Financial Resolution.

“GO ndéanfar foráil san Acht lena dtabharfar éifeacht don Rún seo, ar an modh agus a mhéid a shonrófar san Acht sin, maidir leis an Acht Comhdhlúite Cánacha, 1997 (Uimh. 39 de 1997) a leasú—

- (i) i gCaibidil 1 de Chuid 22, ina ndéileáiltear le cáin ioncaim agus le cáin chorparáide ar bhrabúis nó ar ghnóchain ó dhéileáil i dtalamh nó ó fhorbairt talún, trí cháin ioncaim a mhuirearú ar bhrabúis nó gnóchain áirithe den sórt sin de réir ráta 80% a mhéid is inchurtha na brabúis nó na gnóchain sin i leith athchríosú na talún sin le haghaidh úsáide cónaithe, tráchtála nó tionscail nó le haghaidh meascáin de na húsáidí sin, agus
- (ii) i gCaibidil 2 de Chuid 22, ina ndéileáiltear leis an gcánachas ar ghnóchain chaipitiúla ar dhiúscairt talún forbraíochta, trí cháin ghnóchain caipitiúil a mhuirearú ar ghnóchain áirithe den sórt sin de réir ráta 80% a mhéid is inchurtha na gnóchain sin i leith athchríosú na talún sin le haghaidh úsáide cónaithe, tráchtála nó tionscail nó le haghaidh meascáin de na húsáidí sin.

THAT provision be made in the Act giving effect to this Resolution, in the manner and to the extent specified in that Act, for amending the Taxes Consolidation Act, 1997 (No. 39 of 1997)—

- (i) in Chapter 1 of Part 22, which deals with income tax and corporation tax on profits or gains from dealing in or developing land, by charging certain such profits or gains to income tax at a rate of 80% to the extent that those profits or gains are attributable to the rezoning of that land to residential, commercial or industrial use or to a mixture of such uses, and
- (ii) in Chapter 2 of Part 22, which deals with the taxation of capital gains on a disposal of development land, by charging certain such gains to capital gains tax at a rate of 80% to the extent that those gains are attributable to the rezoning of that land to residential, commercial or industrial use or to a mixture of such uses.”

—An tAire Airgeadais.

ORDUITHE AN LAE
ORDERS OF THE DAY

- 24.** (l) An Bille fán nGníomhaireacht Náisiúnta um Bainistíocht Sócmhainní 2009 — Ordú don Tuarascáil.
(a) National Asset Management Agency Bill 2009 — Order for Report.

37a. An Bille Cosanta (Forálacha Ilghnéitheacha) 2009 — Ordú don Tuarascáil.
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GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

Tairsclint (atógáil) (1 ur. 30 n. fágtha):

Motion (resumed) (1 hr. 30 m. remaining):

70. “That Dáil Éireann:

- notes the rapid rise in unemployment in the past twelve months and the resulting difficulties that many families are having in meeting mortgage payments;
- notes that the number of families in mortgage arrears could be as high 35,000;
- notes the irresponsible lending practices engaged in by many financial institutions that have contributed to the growing problem of mortgage arrears;
- notes the unprecedented assistance that has been provided to the banks through the blanket guarantee, recapitalisation and the NAMA proposals;
- notes with concern that the number of repossession orders issued in the High Court increased by 120% in 2008, and the prospect of a significant increase in home repossessions once the NAMA legislation has been passed and legal proceedings in these cases are transferred to the Circuit Court after 1st December, 2009; and
- believes that, in the majority of cases, the public interest is best served by ensuring that families can remain in their homes for as long as possible, so long as reasonable efforts are made to meet the borrowers obligations;

calls on the Government to:

- bring forward a moratorium scheme that would provide for a minimum period of 24 months from the time that mortgages first go into arrears, before repossession proceedings can be taken, where a borrower makes reasonable efforts to meet their obligations to pay the mortgage on a principal private residence;
- apply the scheme to all banks covered by the Guarantee or participating in NAMA;
- establish the scheme on a statutory basis;
- provide for mediation services under the scheme to assist borrowers in coming to satisfactory arrangements with lenders, such as extending the period of a mortgage, putting a mortgage on an interest-only basis, or rolling up interest for a period, and to act on behalf of borrowers in negotiating with financial institutions and public authorities in working out viable repayment arrangements; and
- establish as a principle of public policy that, where possible and subject to reasonable limits, a family making a reasonable and honest effort to meet their obligations should be assisted to remain in the family home.” — *Ciarán Lynch, Eamon Gilmore, Joan Burton, Emmet Stagg, Thomas P. Broughan, Joe Costello, Michael D. Higgins, Brendan Howlin, Kathleen Lynch, Liz McManus, Brian O'Shea, Jan O'Sullivan, Willie Penrose, Ruairí Quinn, Pat Rabbitte, Seán Sherlock, Róisín Shortall, Joanna Tuffy, Mary Upton, Jack Wall.*

[3 November, 2009]

Leasú (atógáil):

Amendment (resumed):

1. To delete all words after “Dáil Éireann” and substitute the following:

“notes that:

- legal repossessions of home owners reported by the institutions covered by the Guarantee amount to 20 in the first nine months of this year;
- the Mortgage Interest Subsidy scheme provides an important safety net for mortgage borrowers who get into difficulties and that more than 14,000 families are now benefiting from this support;
- the number of home owners in arrears (90 days) with institutions covered by the State Guarantee is currently of the order 15,000 – 16,000 and that the rate of increase in arrears has moderated notably since the early months of this year;
- the introduction of a statutory Code of Conduct on Mortgage Arrears earlier this year reinforces existing practices at mainstream mortgage lenders and extends legally obligatory protection to all mortgage borrowers;
- the Code of Conduct on Mortgage Arrears already requires lenders to explore alternatives with borrowers in difficulty and prohibits seeking repossession ‘until every reasonable effort has been made to agree an alternative payment schedule’;
- the Code of Conduct on Mortgage Arrears already provides that, where circumstances warrant it, the lender must refer the borrower for guidance to the Money Advice and Budgeting Service (MABS) or an appropriate alternative;
- the Renewed Programme for Government envisages an examination of ways of expanding mortgage support measures and new measures to protect families having difficulties including the introduction of new measures to protect families having difficulties with their home mortgage payments;
- the Renewed Programme for Government also provides for the existing statutory Code of Conduct on Mortgage Arrears and the recently agreed protocol between the Irish Bankers Federation (IBF) and the MABS on debt default to be further reviewed with a view to expanding the options available for dealing with debt situations, including for example, the use by banks and lenders of more flexible mechanisms to avoid foreclosure in appropriate circumstances and that these could include:
 - reduced rates;
 - longer maturity dates;
 - rolling-up of outstanding interest;
 - bank taking equity in the house; and
 - bank taking ownership and leasing back the property to the resident with rent payments coming off the loan;
- the Renewed Programme for Government envisages that ways of expanding mortgage-support measures will be examined with reference to the measures adopted in other jurisdictions;
- the Renewed Programme for Government envisages reform of debt enforcement in light of the deliberation of the Law Reform Commission, which has recently published a consultation paper on the matter, the regulation of debt collection agencies, a new system of personal insolvency regulations allowing for a statutory non-court-based debt settlement system, and the establishment of a central Debt

Enforcement Office to remove as many debt enforcement proceedings from the courts as possible;

- Irish banks continue to rely on international credit markets for a substantial part of their funding and that conditions in those markets, though easier than earlier this year, remain difficult;
- rating agencies, perhaps influenced by the high rates of default and repossession on mortgages in the US and UK, are known to be sensitive to anything affecting mortgage lending and are aware that it makes up a large portion of Irish banks balance sheets; and
- the introduction of a blanket two year moratorium, as proposed, runs a substantial risk of creating unfavourable perceptions in credit markets about the future performance of a significant part of Irish bank lending, and that such a perception could increase funding difficulties and raise funding costs for Irish banks, with damaging consequences for all of their customers;

commends:

- the Government for its actions to stabilise the financial system and to restore the public finances thereby protecting jobs and home ownership;
- the Government for its increased support for the Mortgage Interest Subsidy scheme; and
- the introduction of the statutory Code of Conduct on Mortgage Arrears;

expresses its confidence in the success of the Government's efforts to deal with the world-wide financial crisis and its impact on Ireland." — *An tAire Airgeadais*.

MEMORANDA

Dé Céadaoin, 4 Samhain, 2009
Wednesday, 4th November, 2009

Cruinniú den Chomhchoiste ar an mBunreacht i Seomra Coiste 2, TL2000, ar 9.30 a.m.
Meeting of the Joint Committee on the Constitution in Committee Room 2, LH2000, at 9.30 a.m.

Cruinniú den Chomhchoiste um Shláinte agus Leanaí i Seomra Coiste 4, TL2000, ar 10.30 a.m. (*príobháideach*).
Meeting of the Joint Committee on Health and Children in Committee Room 4, LH2000, at 10.30 a.m. (*private*).

Cruinniú den Chomhchoiste um Ghnóthaí Rialála Geilleagair i Seomra Coiste 3, TL2000, ar 11 a.m.
Meeting of the Joint Committee on Economic Regulatory Affairs in Committee Room 3, LH2000, at 11 a.m.

Cruinniú den Bhuan-Fhochoiste ar Athleasú na Dála i Seomra 2 (tríd an bPríomh-Halla), Teach Laighean, ar 1.30 p.m. (*príobháideach*).
 Meeting of the Standing sub-Committee on Dáil Reform in Room 2 (off the Main Hall), Leinster House, at 1.30 p.m. (*private*).

**Meastacháin (An Grúpa Airgeadais):
 Estimates (Finance Group):**

Cruinniú den Roghchoiste um Airgeadas agus an tSeirbhís Phoiblí i Seomra Coiste 2, TL2000, ar 2 p.m.
 Meeting of the Select Committee on Finance and the Public Service in Committee Room 2, LH2000, at 2 p.m.

Cruinniú den Chomhchoiste um Ghnóthaí Ealaíon, Spóirt, Turasóireachta, Pobail, Tuaithe agus Gaeltachta i Seomra Coiste 4, TL2000, ar 2.30 p.m.
 Meeting of the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs in Committee Room 4, LH2000, at 2.30 p.m.

Cruinniú den Chomhchoiste um Iompar i Seomra Coiste 1, TL2000, ar 3.45 p.m.
 Meeting of the Joint Committee on Transport in Committee Room 1, LH2000, at 3.45 p.m.

Cruinniú den Chomhchoiste um an Leasú Bunreachta maidir le Leanaí i Seomra Coiste 2, TL2000, ar 5 p.m. (*príobháideach*).
 Meeting of the Joint Committee on the Constitutional Amendment on Children in Committee Room 2, LH2000, at 5 p.m. (*private*).

**SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA DÁLA
 DOCUMENTS LAID BEFORE THE DÁIL**

Reachtúil:

1) Na Rialacháin fán Scéim um Thacaíocht Tithe Banaltrais (Orduithe a Mharcáil agus a Urscaoileadh) 2009 (I.R. Uimh. 437 de 2009).

2) Togra le haghaidh Cinnidh ón gComhairle maidir le hiarraidh a dhéanamh ar chomparáidí le sonraí de chuid EURODAC ag údaráis forfheidhmithe dlí Ballstát agus Europol chun críocha forfheidhmithe dlí mar aon le nóta faisnéise míniúcháin. COM (2009) 344.

3) Togra le haghaidh Cinnidh ón gComhairle ar shíniú an Chreat-Chomhaontaithe maidir le Comhpháirtíocht chuimsitheach agus

Statutory:

1) Nursing Homes Support Scheme (Marking and Discharge of Orders) Regulations 2009 (S.I. No. 437 of 2009).

2) Proposal for a Council Decision on requesting comparisons with EURODAC data by Member States' law enforcement authorities and Europol for law enforcement purposes together with explanatory information note. COM (2009) 344.

3) Proposal for a Council Decision on the signing of the Framework Agreement on comprehensive Partnership and Cooperation

Comhar cuimsitheach idir an Comhphobal Eorpach agus a Bhallstáit, de pháirt, agus Poblacht na hIndinése, den pháirt eile, mar aon le nóta faisnéise míniúcháin. COM (2009) 492.

between the European Community and its Member States, of the one part, and the Republic of Indonesia, of the other part together with explanatory information note. COM (2009) 492.

4) Na Rialacháin Láimhíneach (Cur i dTír a Rialú) 2009 (I.R. Uimh. 417 de 2009).

4) Monkfish (Control of Landings) Regulations 2009 (S.I. No.417 of 2009)

Neamhreachtúil:

Non-Statutory:

1) Rialacháin na gComhphobal Eorpach (Sláinteachas Bia agus Beatha) 2009 (I.R. Uimh. 432 de 2009).

1) European Communities (Food and Feed Hygiene) Regulations 2009 (S.I. No. 432 of 2009).

2) An Scéim um Scéim Aoisliúntais Chuideachta Forbartha Aerfort Neamhchustam na Sionna Teoranta (Fostaithe Ginearálta) 1966 (An Cúigiú Scéim Leasaitheach) 2009 (I.R. Uimh. 415 de 2009).

2) Shannon Free Airport Development Company Limited (General Employees) Superannuation Scheme 1966 (Fifth Amending) Scheme 2009 (S.I. No. 415 of 2009).